

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ADAPTIX, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 6:13-cv-922
	)	
NEC CASIO MOBILE	)	
COMMUNICATIONS, LTD., NEC	)	<b>JURY TRIAL DEMANDED</b>
CORPORATION OF AMERICA, and	)	
CELLCO PARTNERSHIP d/b/a	)	
VERIZON WIRELESS,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFF’S REPLY TO DEFENDANT CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS’S COUNTERCLAIMS**

Plaintiff, ADAPTIX, Inc. (“ADAPTIX”), replies to the counterclaims of Defendant  
Cellco Partnership d/b/a Verizon Wireless (“Verizon”), as follows:

**COUNTERCLAIMS FOR DECLARATORY JUDGMENT**

**NATURE OF THE ACTION**

1. Adaptix admits that these Counterclaims arise from allegations of infringement against Verizon. Adaptix denies all other allegations of paragraph 1.
2. Admitted.
3. Adaptix admits that it accuses Verizon of directly infringing, contributing to the infringement of, and/or inducing others to infringe U.S. patent nos. 7,454,212 (“the ‘212 Patent”) and 6,947,748 (“the ‘748 Patent”). Adaptix denies all other allegations of paragraph 3.
4. Admitted.

## **JURISDICTION AND VENUE**

5. Admitted.

6. Adaptix admits that venue for these Counterclaims is legally proper in this District pursuant to 28 U.S.C. §§ 1367 and 1391. Adaptix denies all other allegations of paragraph 6.

## **PARTIES**

7. Adaptix is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7.

8. Admitted.

## **COUNTERCLAIM COUNT I**

### **(Non-infringement the '212 Patent)**

9. ADAPTIX incorporates by reference its responses contained in Paragraphs 1-8 above as if fully restated in this paragraph.

10. Denied.

11. Denied.

## **COUNTERCLAIM COUNT II**

### **(Invalidity of the '212 Patent)**

12. ADAPTIX incorporates by reference its responses contained in Paragraphs 1-11 above as if fully restated in this paragraph.

13. Denied.

14. Denied.

**COUNTERCLAIM COUNT III**

**(Non-Infringement of the '748 Patent)**

15. ADAPTIX incorporates by reference its responses contained in Paragraphs 1-14 above as if fully restated in this paragraph.

16. Denied.

17. Denied.

**COUNTERCLAIM COUNT IV**

**(Invalidity of the '748 Patent)**

18. ADAPTIX incorporates by reference its responses contained in Paragraphs 1-17 above as if fully restated in this paragraph.

19. Denied.

20. Denied.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

The Counterclaims fail to state a claim for which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defendants infringe one or more claims of U.S. Patent Nos. 7,454,212 and 6,947,748.

**PRAYER FOR RELIEF**

WHEREFORE, ADAPTIX respectfully requests that this Court:

- a. Enter judgment in favor of ADAPTIX on all issues set forth in Defendant Verizon's Answer and Counterclaims;
- b. Deny all relief requested in Defendant Verizon's Answer and Counterclaims;

- c. Grant the relief requested by ADAPTIX in its Complaint, and
- d. Grant ADAPTIX such further relief as this Court may deem just and proper.

### **JURY DEMAND**

ADAPTIX demands trial by jury on all issues set forth in Defendant Verizon's Answer and Counterclaims so triable.

Date: May 15, 2014

**ADAPTIX, INC.**

By: /s/ Paul J. Hayes  
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**ATTORNEYS FOR PLAINTIFF**  
**ADAPTIX, INC.**

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 15th day of May, 2014, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Paul J. Hayes